

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: January 11, 2006
Re: **CONDITIONAL USE PERMIT (CUP): To allow the construction of a building that would cross the City / County boundary line in the 1700 Block of Graves Mill Road.**

I. PETITIONER

Dry River Investments, LLC., P.O. Box 4007, Lynchburg, VA 24502-0007

Representative: Russ Orrison, Perkins & Orrison, Inc., 17 W. Nelson Street, Lexington, VA 24450

II. LOCATION

The subject property is a tract of 0.69 of an acre located adjacent to Graves Mill Road, also known as Valuation Number 240-13-013.

Property Owners: Dry River Investments, LLC., P.O. Box 4007, Lynchburg, VA 24502-0007

III. PURPOSE

The purpose of this petition is to allow the construction of a building that would cross the City / County boundary line.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends promoting regional cooperating in issues related to land use, growth and development.
- Petition agrees with the Zoning Ordinance in that a structure which would be split by a county boundary line shall be permitted by conditional use permit.
- Petition proposes the construction of a one (1)-story, thirty thousand, four hundred (30,400) square foot building to be used for building supply retail and wholesale product warehousing in Bedford County. Of the total building footprint, three percent (3%) or nine hundred and ninety eight (998) square feet is proposed to be constructed within the City; that portion will be used for storage and handling of wholesale product.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Office use for the subject property. Office uses are intended for small-scale office buildings that provide adequate space for professional and service uses. However, the plan also recommends promoting regional cooperating in issues related to land use, growth and development. Land use decisions and planning in the surrounding counties have an will continue to have an impact on how the City approaches land use, transportation, utility extension and environmental management (**5.7, Regional Land Use Issues**)
2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-1, Limited Business District zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. The petitioner is requesting a conditional use permit to allow the structure to be split by the City / County boundary line.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed building.

4. **Surrounding Area.** The following items have required City Council approval in the immediate area.
 - On January 11, 2005, Lynchburg City Council approved Millside Development, LLC's CUP petition to construct a Cluster Commercial Development (CCD) in a B-1, Limited Business District at Mill View Centre, Graves Mill Road and Lillian Lane.
 - On October 13, 1992, City Council rezoned properties along Graves Mill Road and Lakeside Drive from I-3, Heavy Industrial District to B-3, Community Business District as part of the Graves Mill Road/ US 221 Area Land Use Study - Growth Management Program – May 11, 1992 to promote economic vitality, convenience, general welfare and good zoning practice.
5. **Site Description.** The subject property is a tract of 0.69 of an acre that is currently undeveloped. The site is bounded to the north by a combination of commercial uses and undeveloped land, to the east and west by commercial uses and to the south by industrial manufacturing facilities.
6. **Proposed Use of Property.** The purpose of this petition is to allow a proposed one (1)-story, thirty thousand, four hundred (30,400) square foot building to be split by the city-county boundary line. Of the total building footprint, three percent (3%) or nine hundred and ninety eight (998) square feet is proposed to be constructed within the City. The building to be used for building supply retail and wholesale product warehousing with the portion to be constructed within the City designated specifically for storage and handling of wholesale product.

The City's Commissioner or Revenue has reviewed the project and determined that no business license taxes or personal property taxes will be assessed at this location. The City Assessor has determined that the nine hundred and ninety eight (998) square feet that lies within the City will be assessed in accordance with the City's current building assessment policy.
7. **Traffic and Parking.** The City's Traffic Engineer had no comments regarding the project. Since access to the site will be from Bedford County, the County and Virginia Department of Transportation will be charged with review and maintenance of traffic concerns associated with the proposed project. Similarly, parking requirements for the proposed building will be in accordance with Bedford County standards.
8. **Storm Water Management.** New impervious areas will exceed 1,000 square feet; as such, a stormwater management plan will be required for the construction. Since the proposed detention facility will be located and discharge into Bedford County, the City's Environmental Planner has coordinated with Bedford County's Department of Natural Resources to verify that they will be responsible for the review of all erosion and sediment control and stormwater issues related to the project.

Stormwater quality for the portion of the building that lies within the City will be addressed through landscaping. Since Bedford County does not have a water quality requirement for stormwater, the City's Environmental Planner recommends that water quality requirements for the remainder of the site be required since all stormwater from the building and proposed parking drains into the City.
9. **Emergency Services.** Neither the City's Fire Marshal nor Police Department had any comments on the proposed conditional use permit application. The Bedford County Planning Department has confirmed that, through the City/County emergency services mutual aid agreement, the 911 call should go where the building is addressed; since the address will lie in Bedford County, emergency services will be handled through Bedford County Fire, Rescue and Police, respectively.
10. **Impact.** The proposed development one (1)-story, thirty thousand, four hundred (30,400) square foot building will have minimal impact on the surrounding neighborhood. Since only three percent (3%) of the building is within the City limits, all services (traffic, emergency services, erosion control, stormwater management, building inspection, etc.) will be administered through Bedford County.

The City's Commissioner of Revenue has reviewed the project and determined that no business license taxes or personal property taxes will be assessed at this location. The City Assessor has determined that the 989 (nine hundred and ninety eight) square feet that lies within the City will be assessed in accordance with the City's current building assessment policy.

New impervious areas for the proposed project will exceed 1,000 square feet; therefore, stormwater management for quality management will be required for the portion of the project that lies within the City. However, since all stormwater from the site ultimately flows back into the City, the City's Environmental Planner recommends that all stormwater management systems shall be designed and built to address the quality standards for stormwater now in effect in the City.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on Tuesday, December 8th, 2005. Comments related to the proposed building were minor in nature and have or will be addressed by the developer prior to final site plan approval.
 12. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the Dry River Investments's To allow the construction of a building that would cross the City / County boundary line in the 1700 Block of Graves Mill Road, subject to the following conditions:

1. **The property will be developed in substantial compliance with the site plan prepared by Perkins & Orrison dated November 5, 2005 and stamped received December 30, 2005.**
2. **All stormwater management systems shall be designed and built to address the quality of water being discharged from the site to the standards now in effect in the City of Lynchburg.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division

Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Nicole Gilkeson, Community Development Planner
Ms. Erin B. Hawkins, Environmental Planner
Mr. Russ Orrison, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)